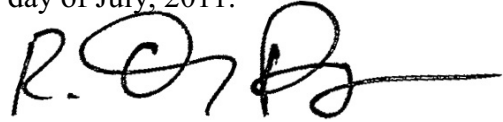


**Case No. 2:09-cv-00617-RDP-JEO**

Having carefully reviewed and considered *de novo* all the materials in the court file, including the Report and Recommendation, the court is of the opinion that the Magistrate Judge's Report is due to be and hereby is **ADOPTED** and his Recommendation is **ACCEPTED**. The court **EXPRESSLY FINDS** that there are no genuine issues of material fact and that Defendants Jimmie Richburg, Melvin Wilson, LaKendric Eldridge and Dr. James Vincent Richardson are entitled to judgment as

a matter of law. Accordingly, the motion for summary judgment on behalf of these Defendants is due to be granted and all claims against them are due to be dismissed with prejudice.<sup>1</sup> The unserved Defendant, Eddie Washington, is due to be dismissed without prejudice, pursuant to Fed.R.Civ.P. 4(m). A Final Judgment will be entered.

**DONE** and **ORDERED** this 11th day of July, 2011.

A handwritten signature in black ink, appearing to read 'R. David Proctor', written over a horizontal line.

**R. DAVID PROCTOR**  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> Pending before the court is Defendant Richardson's motion to dismiss. (Doc. #54). The motion is due to be and hereby is **DENIED** as **MOOT**.